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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

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ESTATE OF MADISON JODY JENSEN,

Plaintiff,

vs.

DUCHESNE COUNTY, ET AL.,

Defendants.

MEMORANDUM DECISION AND  
ORDER

Case No. 2:17CV1031DAK

Judge Dale A. Kimball

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This matter is before the court on Defendant Duchesne County's Motion to Dismiss Plaintiff's punitive damages claim against the County. [ECF Docket No. 106]. Plaintiff filed a response stating that it did not oppose Duchesne County's motion, and Duchesne County filed a Request to Submit for Decision instead of filing a reply. Therefore, the parties have fully briefed the motion.

The parties agree that it is settled law that a municipality is immune from punitive damages under 42 U.S.C. § 1983 claims. *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 271 (1981). Accordingly, the court grants Duchesne County's Motion to Dismiss and dismisses Plaintiff's claim for punitive damages against Duchesne County.

DATED this 24th day of April, 2019.

BY THE COURT:



DALE A. KIMBALL,  
United States District Judge